

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**IN RE: James Fisher and  
Kathleen Fisher**

**Debtor(s).**
$$\begin{pmatrix} ) \\ ) \\ ) \\ ) \\ ) \\ \mathbf{x} \end{pmatrix}$$

**Case No. 17-24819-JAD**

## Chapter 13

Related to Docs. #77 and 80

**ORDER OF COURT**  
**(Check Boxes That Apply)**

☒ **Confirming Plan on Final Basis**

☐ **Chapter 13 Plan dated:**

☐ Authorizing Distributions Under Plan ☒ Amended Chapter 13 dated:  
On Interim Basis Solely as Adequate June 29, 2022  
Protection

IT IS HEREBY ORDERED that the Chapter 13 Plan Payment is \$1763 effective 6/18.

IT IS HEREBY ORDERED that pursuant to the plan identified above (the “Plan”), as the same may be modified by this Order, the Chapter 13 Trustee is authorized to make distributions to creditors holding allowed claims from available funds on hand. Such distributions shall commence no earlier than the Chapter 13 Trustee’s next available distribution date after the first day of the month following the date on which this Order is entered on the Court’s docket.

IT IS FURTHER ORDERED that those terms of the Plan which are not expressly modified by this Order shall remain in full force and effect. To the extent any terms and conditions of the Plan are in conflict with this Order, the terms of this Order shall supersede and replace any conflicting terms and conditions of the Plan.

**1. Unique Provisions Applicable Only to This Case: *Only those provisions which are checked below apply to this case:***

- ☒ A. For the remainder of the Plan term, the periodic monthly Plan payment is amended to be \$4370 beginning 8/22. To the extent there is no wage attachment in place or if an existing wage attachment is insufficient to fund the Plan payments, counsel to the Debtor(s) shall within seven (7) days hereof file a wage attachment motion (or motions) to fully fund the Plan payments, or shall sign up for and commence payments under the Trustee's TFS online payment program.
- ☐ B. The length of the Plan is changed to a total of at least \_\_\_\_\_ months. This

statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved.

- ☐ C. To the extent this Order is entered as a form of adequate protection, the Trustee is authorized to distribute to secured and priority creditors with percentage fees payable to the Chapter 13 Trustee on receipt as provided for in 28 U.S.C. §586. ***Continued conciliation conferences before the Trustee or contested hearings before the Court shall proceed on such dates and times as appear on the case docket.*** The Trustee is deemed to have a continuous objection to the Plan until such time the Plan is confirmed on a final basis.

**PARTIES ARE REMINDED OF THEIR DUTY TO MONITOR THE COURT'S DOCKET AND ATTEND DULY SCHEDULED HEARINGS. THE PARTIES ARE FURTHER REMINDED OF THEIR DUTY TO MEET AND CONFER AND OTHERWISE ENGAGE IN GOOD FAITH SETTLEMENT NEGOTIATIONS WITH RESPECT TO ANY OBJECTION TO PLAN CONFIRMATION. FAILURE TO COMPLY WITH THESE DUTIES MAY RESULT IN THE IMPOSITION OF SANCTIONS AGAINST THE OFFENDING PARTY.**

- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. The following utility creditor \_\_\_\_\_ shall be paid monthly payments of \$ \_\_\_\_\_ beginning with the Trustee's next distribution and continuing for the duration of the Plan's term, to be applied by that creditor to its administrative claim, ongoing budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim:
- 
- ☐ H. The secured claims of the following creditors shall govern as to claim amount, to be paid at the modified plan interest rate in a monthly amount to be determined by Trustee to pay the claim in full during the Plan term:
-

- ☐ I. The secured claim(s) of the following creditors shall govern as to claim amount, to be paid at the indicated interest rate in a monthly amount to be determined by Trustee to pay in full during the Plan term:
- 
- ☐ J. The secured claim(s) of the following creditor(s) shall govern, following all allowed post-petition payment change notices filed of record:
- 
- ☒ K. Additional Terms and Conditions:  
Trustee's Certificate of Default is resolved by this order (Doc 74).

**2. Deadlines. The following deadlines are hereby established and apply to this case:**

**A. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates a sale or sales of assets or the recovery of litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**B. Review of Claims Docket and Objections to Claims.** Pursuant to *W.P.A.L.B.R. 3021-1(c)(2)*, the Debtor(s) (or Debtor(s)' attorney, if represented), shall review the proofs of claim filed in this case and shall file objections (1) to any disputed timely filed claims within ninety (90) days after the claims bar date, or (2) to any disputed late filed or amended claims within ninety (90) days after the amended and/or late claims are filed and served. Absent a timely objection or further order of the Court, the timely filed proof of claim will govern as to the classification and amount of the claim; provided however, no creditor shall receive a distribution in this case until such time as the relevant allowed claim is provided for in the Plan or any subsequent amended plan.

**C. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, and all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**D. Filing Amended Plans or Other Stipulation.** Within fourteen (14) days after the Bankruptcy Court resolves the priority of a claim, avoidability of a lien or interest, or extent of a lien, or any objection to claim, the Debtor(s) shall file an Amended Plan or Stipulated Order Modifying Plan to provide for the allowed amount of the lien or claim if the allowed amount and/or treatment differs from the amount and/or treatment stated in the Plan. The Debtor(s) or Counsel for Debtor(s) should inquire with the Chapter 13 Trustee regarding whether an Amended Plan or proposed Stipulated Order Modifying Plan is the preferred course of action. In addition, if after the conclusion of the claims bar date and any associated litigation, the Plan is underfunded, Debtor(s) shall also file (1) an amended Plan increasing the monthly Plan payment, and (2) a revised wage attachment to provide for the increased funding.

**3. Additional Provisions. The following additional provisions apply in this case:**

A. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

B. The Trustee shall hold in reserve any distributions under the Plan to any creditor who holds a claim that is provided for in the Plan but which is subject to a duly filed claims objection. Upon entry of further order of the Court, or ultimate allowance of the disputed claim provided for in the Plan, the Trustee may release the reserve and make distribution to the affected creditor. Unless otherwise permitted by separate Order of Court, Trustee shall not commence distributions to unsecured creditors until after the later of the government bar date and a filed notice of an intention to pay claims (the later date being the "Earliest Unsecured Distribution Date"). Trustee may, but has no obligation to, further defer distributions to unsecured creditors until a later date after the Earliest Unsecured Distribution Date.

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor(s)' counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.


E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any allowed ***secured claim*** (that is secured by the property subject to the relief from stay order), unless otherwise directed by further Order of Court.

G. The Debtor(s) shall maintain all policies of insurance on all property of the Debtor(s) and this estate as required by law and/or contract.

H. The Debtor(s) shall pay timely all post-confirmation tax liabilities directly to the appropriate taxing authorities as they become due.

Dated: 8/8/2022

  
United States Bankruptcy Judge *sjk*  
Jeffery A. Deller

cc: All Parties in Interest to be served by Clerk

In re:  
James M. Fisher  
Kathleen A. Fisher  
Debtors

Case No. 17-24819-JAD  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0315-2  
Date Rcvd: Aug 08, 2022

User: auto  
Form ID: pdf900

Page 1 of 4  
Total Noticed: 35

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. § 342(f)/Fed. R. Bank. P. 2002(g)(4).

### Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 10, 2022:

Recip ID	Recipient Name and Address
db/jdb	+ James M. Fisher, Kathleen A. Fisher, 1864 Bethel Church Road, Latrobe, PA 15650-5406
14737486	+ Capital One Bank, P.O. Box 98872, Las Vegas, NV 89193-8872
14737494	++ FIFTH THIRD BANK, MD# ROPS05 BANKRUPTCY DEPT, 1850 EAST PARIS SE, GRAND RAPIDS MI 49546-6253 address filed with court.; Fifth Third Bank, Western Pennsylvania), P.O. Box 630778, Cincinnati, OH 45263
14737495	+ First National Bank, P.O. Box 6122, Hermitage, PA 16148-0922
14737498	+ Redefining/Standards, Equi-Vest Processing Office, P.O. Box 4956, Syracuse, NY 13221-4956

TOTAL: 5

### Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	Email/Text: creditcardbkcorrespondence@bofa.com	Aug 08 2022 23:47:00	BANK OF AMERICA, N.A., PO Box 31785, TAMPA, FL 33631-3785
cr	Email/Text: creditcardbkcorrespondence@bofa.com	Aug 08 2022 23:47:00	Bank of America, N.A., THE BANK OF NEW YORK MELLON FKA THE BANK, PO BOX 31785, TAMPA, FL 33631-3785
14737483	+ Email/Text: creditcardbkcorrespondence@bofa.com	Aug 08 2022 23:47:00	Bank of America, P.O. Box 31785, Tampa, FL 33631-3785
14786760	+ Email/PDF: rmscedi@recoverycorp.com	Aug 08 2022 23:52:07	Bureaus Investment Group Portfolio No 15 LLC, c/o PRA Receivables Management, LLC, PO Box 41021, Norfolk VA 23541-1021
14737484	+ Email/PDF: AIS.cocard.ebn@aisinfo.com	Aug 08 2022 23:51:48	Capital One, P.O. Box 30285, Salt Lake City, UT 84130-0285
14752123	Email/PDF: AIS.cocard.ebn@aisinfo.com	Aug 08 2022 23:52:06	Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
14737487	+ Email/PDF: AIS.cocard.ebn@aisinfo.com	Aug 08 2022 23:52:25	Capital One Bank USA, P.O. Box 30281, Salt Lake City, UT 84130-0281
14737488	+ Email/PDF: tbiedi@PRAGroup.com	Aug 08 2022 23:52:06	Capital One N.A., c/o The Bureaus, 650 Dundee Road - Suite 370, Northbrook, IL 60062-2757
14737489	+ Email/Text: bknotificationdistribution@jhcapiatgroup.com	Aug 08 2022 23:47:00	Comenity Bank, c/o JH Portfolio Debt Equ, 5757 Phantom Drive, Suite 225, Hazelwood, MO 63042-2429
14737490	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Aug 08 2022 23:47:00	Comenity Bank/GNDRMTMC, P.O. Box 182789, Columbus, OH 43218-2789
14737491	Email/Text: mrdiscen@discover.com	Aug 08 2022 23:47:00	Discover Financial Services, P.O. Box 15316, Wilmington, DE 19850
14737493	Email/PDF: Citi.BNC.Correspondence@citi.com	Aug 08 2022 23:52:28	DSNB/MACYS, P.O. Box 8218, Monroe, OH 45050
14777383	Email/Text: bnc-quantum@quantum3group.com		

District/off: 0315-2

User: auto

Page 2 of 4

Date Rcvd: Aug 08, 2022

Form ID: pdf900

Total Noticed: 35

		Aug 08 2022 23:47:00	Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657, Kirkland, WA 98083-0657
14743316	Email/Text: mrdiscen@discover.com	Aug 08 2022 23:47:00	Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
14750109	+ Email/Text: FifthThirdBKNotices@nationalbankruptcy.com	Aug 08 2022 23:47:00	Fifth Third Bank, PO Box 9013, Addison, Texas 75001-9013
14753320	+ Email/Text: ElectronicBankruptcyNotices@fnb-corp.com	Aug 08 2022 23:47:00	First National Bank of Pennsylvania, 4140 E. State Street, Hermitage, PA 16148-3401
14737496	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Aug 08 2022 23:52:28	Home Depot/CitiBank, P.O. Box 6497, Sioux Falls, SD 57117-6497
14753509	+ Email/Text: bankruptcydpt@mcmcg.com	Aug 08 2022 23:47:00	MIDLAND FUNDING LLC, PO BOX 2011, WARREN MI 48090-2011
15318918	Email/Text: peritus@ebn.phinsolutions.com	Aug 08 2022 23:47:00	PERITUS PORTFOLIO SERVICES LLC, PO BOX 141419, Irving, Tx 75014-1419
14737497	+ Email/Text: BKSPSElectronicCourtNotifications@spservicing.com	Aug 08 2022 23:47:00	PNC Bank, c/o Select Portfolio Servicing, Inc., 3217 S. Decker Lake Drive, Salt Lake City, UT 84119-3284
14818192	+ Email/Text: BKSPSElectronicCourtNotifications@spservicing.com	Aug 08 2022 23:47:00	PNC Bank, National Association, c/o Select Portfolio Servicing, Inc., P.O. Box 65450, Salt Lake City, UT 84165-0450
14752038	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Aug 08 2022 23:52:07	Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
14738714	+ Email/PDF: rmscedi@recoverycorp.com	Aug 08 2022 23:51:49	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14805088	Email/Text: bnc-quantum@quantum3group.com	Aug 08 2022 23:47:00	Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
14737499	+ Email/PDF: gecsed@recoverycorp.com	Aug 08 2022 23:52:25	SYNCB/Amer Eagle DC, P.O. Box 965005, Orlando, FL 32896-5005
14737500	+ Email/PDF: gecsed@recoverycorp.com	Aug 08 2022 23:51:48	Syncb/Walmart, P.O. Box 965024, Orlando, FL 32896-5024
14737501	+ Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Aug 08 2022 23:51:50	Synchrony Bank, c/o Portfolio Recovery, 120 Corporate Blvd., Suite 100, Norfolk, VA 23502-4952
14791139	Email/Text: creditcardbkcorrespondence@bofa.com	Aug 08 2022 23:47:00	THE BANK OF NEW YORK MELLON FKA THE BANK***, Bank of America, PO BOX 31785, Tampa FL 33631-3785
14768662	Email/PDF: ebn_ais@aisinfo.com	Aug 08 2022 23:51:49	Verizon, by American InfoSource LP as agent, PO Box 248838, Oklahoma City, OK 73124-8838
14810881	+ Email/Text: bankruptcy@firstenergycorp.com	Aug 08 2022 23:47:00	West Penn Power, 5001 NASA Blvd, Fairmont WV 26554-8248

TOTAL: 30

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		Bank of America, N.A.
cr		Bank of America, N.A.
cr		PNC Bank, National Association c/o Select Portfoli
cr		THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YO
cr		THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YO
cr		THE BANK OF NEW YORK MELLON, FKA

District/off: 0315-2

User: auto

Page 3 of 4

Date Rcvd: Aug 08, 2022

Form ID: pdf900

Total Noticed: 35

cr	*	BANK OF AMERICA, N.A., PO BOX 31785, TAMPA, FL 33631-3785
cr	*	BANK OF AMERICA, N.A., PO BOX 31785, TAMPA, FL 33631-3785
cr	*	BANK OF AMERICA, N.A., PO Box 31785, TAMPA, FL 33631-3785
cr	*	BANK OF AMERICA, N.A., PO BOX 31785, TAMPA, FL 33631-3785
cr	*	BANK OF AMERICA, N.A., PO Box 31785, TAMPA, FL 33631-3785
cr	*+	BANK OF AMERICA, N.A., PO BOX 31785, TAMPA, FL 33631-3785
cr	*	Bank of America, N.A., THE BANK OF NEW YORK MELLON FKA THE BANK, PO BOX 31785, TAMPA, FL 33631-3785
cr	*	Bank of America, N.A., THE BANK OF NEW YORK MELLON FKA THE BANK, PO BOX 31785, TAMPA, FL 33631-3785
cr	*	Bank of America, N.A., THE BANK OF NEW YORK MELLON FKA THE BANK, PO BOX 31785, TAMPA, FL 33631-3785
cr	*	Bank of America, N.A., THE BANK OF NEW YORK MELLON FKA THE BANK, PO BOX 31785, TAMPA, FL 33631-3785
cr	*	Bank of America, N.A., THE BANK OF NEW YORK MELLON FKA THE BANK, PO BOX 31785, TAMPA, FL 33631-3785
cr	*	Bank of America, N.A., The Bank of New York Mellon Fka The Bank, PO BOX 31785, TAMPA, FL 33631-3785
cr	*	Bank of America, N.A., The Bank of New York Mellon Fka The Bank, PO BOX 31785, TAMPA, FL 33631-3785
cr	*	Bank of America, N.A., The Bank of New York Mellon Fka The Bank, PO BOX 31785, TAMPA, FL 33631-3785
cr	*	Bank of America, N.A., The Bank of New York Mellon Fka The Bank, PO BOX 31785, TAMPA, FL 33631-3785
cr	*	Bank of America, N.A., The Bank of New York Mellon Fka The Bank, PO BOX 31785, TAMPA, FL 33631-3785
cr	*P++	PERITUS PORTFOLIO SERVICES, PO BOX 141419, IRVING TX 75014-1419, address filed with court:, PERITUS PORTFOLIO SERVICES LLC, PO BOX 141419, Irving, Tx 75014-1419
cr	*+	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14737485	*+	Capital One, P.O.Box 30285, Salt Lake City, UT 84130-0285
14737492	*P++	DISCOVER FINANCIAL SERVICES LLC, PO BOX 3025, NEW ALBANY OH 43054-3025, address filed with court:, Discover Financial Services, P.O. Box 15316, Wilmington, DE 19850

TOTAL: 6 Undeliverable, 21 Duplicate, 0 Out of date forwarding address

## NOTICE CERTIFICATION

**I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Aug 10, 2022

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

**The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 8, 2022 at the address(es) listed below:**

<b>Name</b>	<b>Email Address</b>
Bradley Joseph Osborne	on behalf of Creditor PNC Bank National Association c/o Select Portfolio Servicing, Inc. bosborne@hoflawgroup.com, ckohn@hoflawgroup.com
Daniel R. White	on behalf of Joint Debtor Kathleen A. Fisher lori@zeblaw.com;r63228@notify.bestcase.com;elisa@zeblaw.com
Daniel R. White	on behalf of Debtor James M. Fisher lori@zeblaw.com;r63228@notify.bestcase.com;elisa@zeblaw.com
Danielle Boyle-Ebersole	on behalf of Creditor PNC Bank National Association c/o Select Portfolio Servicing, Inc. dboyle-ebersole@orlans.com, PABKAttorneyecf@orlans.com
Karina Velter	on behalf of Creditor PNC Bank National Association c/o Select Portfolio Servicing, Inc. kvelter@hoflawgroup.com, ckohn@hoflawgroup.com
Maria Miksich	on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS SUCCESSOR INDENTURE TRUSTEE TO JPMORGAN CHASE BANK N.A.,AS INDENTURE TRUSTEE FOR THE CWABS

District/off: 0315-2

User: auto

Page 4 of 4

Date Rcvd: Aug 08, 2022

Form ID: pdf900

Total Noticed: 35

REVOLVING HOME EQUITY LOAN ASSET BACKED NOTES, SERIES mmiksich@kmlawgroup.com

Office of the United States Trustee

ustpreion03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmecf@chapter13trusteedpa.com

Thomas Song

on behalf of Creditor THE BANK OF NEW YORK MELLON FKA pawb@fedphe.com

Thomas Song

on behalf of Creditor BANK OF AMERICA N.A. pawb@fedphe.com

Thomas Song

on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK ET. AL. pawb@fedphe.com

TOTAL: 11